SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 22 June 2022**

(Author: **Lucy Buttery - Principal Planning Officer)**

Purpose: **To consider Planning Application H18-0005-22**

Application Number:	H18-0005-22	**Date Received:**	06 January 2022
Application Type:	OUTLINE		
Description:	Residential development of 123 dwellings (including 34 affordable units), site access and associated external works - re-submission of H18-0824-20		
Location:	Land Adj. Nightingale Way, Granville Terrace, Withington Street & Chestnut Terrace Sutton Bridge		
Applicant:	Loyd Homes Ltd.	**Agent:**	Insight Town Planning Ltd.
Ward:	Sutton Bridge	**Ward Councillors:**	Cllr C J T H Brewis Cllr M D Booth

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H18-0005-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Major development, objections received and policy issues that merit Committee consideration.

2.0 PROPOSAL

2.1 This is an outline application (with some matters reserved) for residential development of 123 dwellings (including 34 affordable units), site access and associated external works on land adjacent to Nightingale Way, Granville Terrace, Withington Street and Chestnut Terrace, Sutton Bridge. The matters for which approval is being sought as part of this outline application are access and layout.

2.2 Background

2.3 The application is a re-submission of H18-0824-20, which was refused for the following reasons:

2.4 *"Reason 1 - The National Planning Policy Framework (2019) (Section 14) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. Furthermore, Policy 4 of the Local Plan requires it to be demonstrated that there are no other sites available at a lower risk of flooding.*

The South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) is the basis for applying the flood risk Sequential Test in South Holland district. The hazard and depth maps are utilised (in that order) when determining flood risk and carrying out the Sequential Test. The SFRA shows the application site as sitting within a combination of hazard zones - 'Danger for

All' and 'Danger for Most'. The depth mapping shows a range of between 0.5m - 2.0m. Almost the entirety of the unpermissioned part of the site sits within the 'Danger for All' hazard zone.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The application site is not a housing allocation in the Local Plan. The Sub027 housing allocation is considered to be sequentially preferable in flood risk terms to both the parcel of land within the application site that does not currently benefit from planning permission, as well as the wider site as a whole. Outside of Sutton Bridge, there are other housing allocations that are subject to lower hazard than the application site.

Given the above, it is considered that the proposal fails the sequential test as there are alternative sites appropriate for residential development that are reasonably available and which are located in areas with a lower risk of flooding. The proposal is therefore contrary to Policy 4 of the Local Plan, as well as advice within Section 14 of the National Planning Policy Framework, 2019.

Reason 2 - The application site is located outside of the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan (March 2019) (SELLP). As per Policy 1 of the SELLP it is classed as being in the 'Countryside' in planning policy terms. Policy 1 states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

It has not been demonstrated that the proposed housing development is necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020).

Furthermore, although the proposal would bring some social and economic benefits, these factors are outweighed by the harm that the proposal would cause in terms of its environmental effects.

It is acknowledged that 76 of the 129 dwellings proposed already benefit from extant reserved matters approvals and thus there would be a change to wider landscape character of the area if these permissions were built out. However, this latest proposal would result in residential development protruding onto greenfield land to a greater extent than previously considered. There are open views across the fields to the north of Sutton Bridge when viewed from the Public Right of Way at the east of the site (SuBr/1/1). The additional dwellings over and above those already approved would arguably create a more dense and urbanised edge to the settlement than would otherwise exist due to the number of properties proposed (36) along the northern side of the non-permissioned part of the site. There are currently only 6 dwellings that immediately adjoin the southern boundary of that part of the site, as well as the school. This would increase to 10 if the two smaller sites were to be developed. Notwithstanding the fact that the western and southern parcels of the site can reasonably be expected to be developed, and the opportunities to provide some mitigation in the form of landscaping, a further 36 dwellings along the northern edge would clearly create a more uniform and urbanised appearance than would otherwise exist. Policies 2 and 3 of the SELLP give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in general conformity with Sections 12 and 15 of the National Planning Policy Framework (2019). The proposal would further urbanise the edge of the settlement to the detriment of the character and appearance of the locality. It would therefore be contrary to both local and national policy in this regard. Furthermore, as outlined in the first reason for refusal, the proposal fails the flood risk sequential test, which is also a relevant environmental consideration.

For the reasons outlined above the proposal is considered to be in conflict with the SELLP (Policies 1, 2 and 3), as well as Paragraphs 8 and 12 and Sections 12 and 15 of the NPPF. Paragraph 12 reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed."

2.5 As part of this application, the applicant has submitted a Planning Statement (as well as revised

plans during the course of the application) which seeks to address the previous reasons for refusal.

2.6 **Please note:** 76 of the 123 dwellings proposed already benefit from extant reserved matters approvals, as set out in the relevant history section below. Therefore there are 47 dwellings (approx. 38% of the total number) that do not currently benefit from any form of planning permission. The area covered by the extant permissions is indicated on dwg. no. LH/SBM/20/003 Rev C.

3.0 SITE DESCRIPTION

3.1 The application site measures approximately 6.96ha in size and is greenfield in nature, being described on the application form as 'fallow field'.

3.2 It is located on the northern edge of Sutton Bridge and extends the full width across the rear of residential properties off Nightingale Way, Grebe Close and Young's Row, as well as to the north/rear of properties on Granville Terrace, Withington Street and Allenby's Chase (including the primary school).

3.3 Existing properties in the vicinity range from large detached dwellings to small terraced properties.

3.4 There are a mixture of boundary treatments to the rear/side of properties/development adjoining the site. The remaining boundaries are open.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Planning and Compulsory Purchase Act 2004 states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 5 - Meeting Physical Infrastructure Needs
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 19 - Rural Exception Sites
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 - Developer Contributions for Education Facilities
Appendix 9 - Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Application site

H18-0824-20 - Outline - Residential development of 129 dwellings (including 32 affordable units), site access and associated external works (refused January 2021)

5.2 Land north of Nightingale Way

H18-0859-20 - Details of surface water drainage scheme, foul water strategy, storage and disposal of refuse and recycling, construction management, prevention of mud deposits on road, plan and management plan relating to publicly accessible open space (Conditions 7, 8, 11, 13, 14, 15 and 16 of H18-0435-18) (approved November 2020)

5.3 H18-1167-19 - Reserved matters application for the erection of 60 dwellings and associated works - outline approval H18-0435-18 (approved March 2020)

5.4 H18-0435-18 - Outline application for residential development - approximately 60 dwellings (approved March 2019)

5.5 Land east of Chestnut Terrace

H18-0874-20 - Details of foul and surface water disposal/drainage and storage and disposal of refuse and recycling (Conditions 6, 7 and 8 of H18-1167-16) - allowed on appeal (approved November 2020)

5.6 H18-0709-19 - Reserved matters application for the erection of 6 dwellings and associated works - outline approval H18-1167-16 (allowed on appeal) (approved October 2019)

5.7 H18-1167-16 - Outline application for residential development - erection of 6 detached dwellings (refused and allowed on appeal December 2017)

5.8 Land north of Withington Street

H18-0867-20 - Details of boundary treatment, engineering, drainage, street lighting and constructional details of roadway, surface water drainage and scheme of construction management (Conditions 6, 8, 10 and 11 of H18-1168-16) (approved November 2020)

5.9 H18-0692-19 - Reserved matters application for residential development - Comprising 2 detached dwellings and 8 semi-detached dwellings (Outline Approval H18-1168-16) (approved October 2019)

5.10 H18-1168-16 - Outline application for residential development - comprising 2 detached dwellings and 8 semi-detached dwellings (approved May 2017)

6.0 REPRESENTATIONS

6.1 Sutton Bridge Parish Council

i. The development would put unsustainable vehicular pressure on the access roads for Nightingale Way and Withington Street
ii. Insufficient access for farm machinery to access farmland on neighbouring land
iii. Visual impact of properties as raised high out of the ground due to flood risks

iv. Impact on local schools and doctors.
v. Planned garage to be built on existing drain which would result in problems with maintenance access.
vi. Trees to be planted on areas that are required for local drainage
vii. Significant areas outside the village development envelope.

6.2 SHDC Strategic Housing

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs; for a development of 129 new homes this equates to 32 dwellings. Depending on when the scheme is permitted, whether the consented schemes forming part of this application should be considered and whether the authority and developer consider that there has been significant pre application engagement First Homes may have to account for at least 25% of the 25% affordable housing contribution. To meet needs and adhere to local and national policy the applicant should consider amending the plans to deliver 22 x Rented homes, which could include either Affordable or Social Rent comprising of 6 x 1 bed houses, 8 x 2 bed houses, 6 x 3 bed houses and 2 x 4 bed houses, 8 First Homes comprising of 4 x 2 bed houses and 4 x 3 bed houses and 2 x Shared Ownership homes comprising of 2 x 2 bed houses.

6.3 South Holland Drainage Board

The Board has no additional comments to make at this time to our letter dated 29/09/2020.

These comments referred to above were to remind the applicant of the relevant consents required.

6.4 Anglian Water

The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows. The sewerage system also at present has available capacity for used water flows from the site. Following changes made to the minimum adoptable surface water flow rate into Anglian Water surface water sewers, the surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable, as the flow rate is too high and must be brought down in keeping with new enforced measures. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue to be agreed.

6.5 Environment Agency

No objection subject to development being carried out in accordance with recommendations of submitted flood risk assessment.

6.6 SHDC Environmental Protection (contaminated land)

I have reviewed the following reports: AGS Ground Solutions Limited 'A1813 Phase 1 Geo-Environmental Report Land adjacent to Chestnut Terrace, Sutton Bridge, Spalding, PE12 9SX'24/09/2018 Revision 0 AGS Ground Solutions Limited A'1816-2 Geo-Environmental Report Land Adj to Chestnut Terrace, Sutton Bridge, Lincolnshire' 04/10/18 Revision 0 Draft Factual - Awaiting completion of laboratory testing AGS Ground Solutions Limited 'A1886 Phase 1 Geo-Environmental Report Land adjacent to Nightingale Way, Sutton Bridge, Spalding, PE12 9SX' 23/04/2019 Revision 0 AGS Ground Solutions Limited 'A1886-2 GeoEnvironmental Report Land Adj to Nightingale Way, Sutton Bridge, Lincolnshire.' 10/06/19 Revision 1 Interpretive. Unfortunately, one of the reports is still in draft format and has not been updated to include the chemical test results. The two standard contaminated land conditions are therefore recommended.

6.7 SHDC Environmental Protection (noise and odour)

No objection but request a construction management plan.

6.8 NHS

Evidence backed financial contribution request of £85,140 towards expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Long Sutton Medical Centre. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

6.9 LCC Historic Environment Officer

No archaeological impact.

6.10 LCC Education

Requests financial contributions of £288,855 and £55,282 towards secondary and sixth form education in the Holbeach Secondary Planning area.

6.11 LCC Highways/SUDS

The Highway Authority requests that a Section 106 Agreement is completed with the Applicants to provide the sum of £1,000 per annum for five years to cover the Authority's costs in monitoring compliance with the submitted Travel Plan.

Note;
Consultants for the Applicants have advised that the footpath link to Allenby's Chase (requested in the Condition above) cannot be provided because this would run over land that is outside of the control of the Applicants. However, there is no reason why this footpath could not be constructed on land within the Application site that is within the control of the Applicant. Without this properly surfaced footpath link, pedestrian access would involve using part of an existing Public Footpath that is un-surfaced and at times can be wet and muddy. The provision of this route would accord with the objectives of the NPPF of promoting sustainable travel and in particular, Paragraph 102 c) of the NPPF.

The two access points, onto the ends of Nightingale Way and Withington Street, will be suitable to safely accommodate the vehicle movements associated with the occupation of the 129 dwellings that are proposed in this Application. Contrary to the belief of some, the carriageway of Withington Street is actually wider than a standard new housing estate road. Some of the problems experienced by residents of this street arise because there is presently no turning area at the end of this street and therefore vehicles, in particular the refuse collection vehicle and any delivery vehicles, have to reverse back along the street past residents' vehicles that are routinely parked on this street because these terraced houses have no off-street car parking. With the connection of Withington Street to the proposed development roads, drivers would no longer have to undertake this reversing manoeuvre.

6.12 Lincolnshire Wildlife Trust

All mitigation and enhancements within the Ecological Appraisal by Turnstone Ecology Ltd (dated May 2019) should be conditioned and monitored for compliance. Provides advice regarding sowing and planting and biodiversity net gain.

6.13 Natural England

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

6.14 Public (23 objections/comments received, summarised)

- Overdevelopment of site
- Concern regarding suitability of proposed accesses and highway safety; speeding through

Sutton Bridge
- Issue of parking arrangements
- Increase in traffic on Nightingale Way
- Impact on infrastructure (schools, doctors surgeries etc.)
- Land floods every year
- Similar application already refused
- Impact on environment will be catastrophic
- Wildlife impact
- Impact on appearance of the area
- Hope the Parish Council object
- Overlooking
- Overshadowing
- Noise, disturbance and vibration from construction
- Impact on structural stability of dwellings by virtue of vibrations
- Increase in pollution from traffic
- Transport documents contain inaccuracies / incomparable data
- Drawings have not changed since previous refusal
- Affordable housing clustered in one area of site and potential for adverse impacts
- Reassurance sought that access track to rear of Youngs Row will be retained
- The fences between the properties in Youngs Row back onto a parcel of land whose ownership has not been clarified.
- Alley at end of Withington Street used for fly tipping
- Other land in Sutton Bridge more suited to development
- Loss of high grade agricultural land

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The key considerations in this instance are:
- Principle
- Layout and design
- Highway safety, access and parking
- Private drives
- Flood risk and drainage
- Residential amenity
- Developer contributions
- Ecology
- Other considerations

7.3 Principle

7.4 As highlighted earlier in this report, it should be noted that parts of the site (amounting to 76 of the 123 dwellings proposed) already benefit from extant reserved matters approvals (as indicated on dwg. no. LH/SBM/20/003 Rev C). The principle of residential development on these three parcels of land has therefore already been established and this is a material consideration in the decision making process. It is therefore the view of officers that the key issue to be addressed in terms of principle in respect of this application is whether it would be acceptable for the remaining area of land not permissioned to be developed in conjunction with the other parcels of land that already benefit from planning permission.

7.5 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal will therefore be assessed on this basis.

7.6 The site (in its entirety) is located outside of, although directly adjoins, the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the countryside in planning policy terms.

7.7 Policy 1 of the SELLP states that development in the countryside will only be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.8 The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies. It also does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).

7.9 Paragraph 80 of the National Planning Policy Framework (2021) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 80 should apply in this instance. The site adjoins existing development, therefore it cannot be described as remote or 'isolated'.

7.10 Returning to the provisions of Policy 1 of the SELLP, the following points have been considered.

7.11 It has not been demonstrated that the proposed dwellings are necessary to this location and, notwithstanding this, it is not considered to be a development type that requires a countryside location (e.g. agricultural workers dwellings).

7.12 In terms of the 3 dimensions of sustainable development referenced in the policy wording, the below points are considered pertinent:

7.13 - An economic role:
The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

7.14 - A social role:
The proposal would make a contribution towards housing supply (including affordable housing) in the district. Furthermore, pedestrian access to services and facilities in the settlement would be reasonably convenient with the provision of the link to Allenby's Chase at the eastern end of the site for those properties on that part of the development. Open space would be provided within the development which will contribute to health and well-being.

7.15 - An environmental role:
It is not considered that the occupiers of the proposed dwellings would have any greater reliance on the use of motor vehicles to access services, facilities, employment etc. than those on the wider scheme. In terms of impact on landscape character, the latest proposal would result in residential development protruding onto greenfield land (fallow fields) to a greater extent than previously considered. There are open views across these fields to the north of Sutton Bridge when viewed from the Public Right of Way at the east of the site (SuBr/1/1) and one of the reasons for refusal of the previous application was that the proposal would further urbanise the edge of the settlement to the detriment of the character and appearance of the locality. The previous proposal was for a further 37 dwellings along the northern edge, which has now been reduced to 24 dwellings during the course of this application. In view of the less dense form of development along this edge and mitigation in the form of landscaping that could be provided, it is considered that the impact is reduced and can, on balance, be accepted. Development on the additional parcel of land would, arguably, result in a more comprehensive form of development. Flood risk is also an environmental consideration. This matter is discussed in further detail later in the report, but for the purposes of this particular section the proposal is deemed to fail the flood risk sequential test.

7.16 In addition to the above considerations, it should be noted that the Council has a relatively recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met, and has the benefit of an identified 5-year housing land supply (8.5 years as at 31st March 2021). The 'Liverpool' method of calculation was agreed by the Inspector at plan making stage, therefore it is not considered necessary to debate the appropriateness (or not) of this at the present time. However, if the alternative 'Sedgefield' approach were to be used, the Council would still have in excess of a 5-year supply (5.7 years as at 31st March 2021).

7.17 Furthermore, the outline planning permissions for the three parcels of land already

permissioned were granted in the context of an old Local Plan where two parcels - H18-1168-16 (Land north of Withington Street) and H18-1167-16 (Land east of Chestnut Terrace) - were allocated for housing in that plan and the other was considered in the context of a lack of a 5-year housing land supply.

7.18 Taking all the above into account, on balance, it is considered that the likely environmental impacts would outweigh the economic and social benefits identified. The proposal is therefore contrary to Policy 1 of the Local Plan.

7.19 Housing delivery

7.20 As part of the applicant's Planning Statement, they have set out to critique the deliverability of the allocated site in Sutton Bridge and the likelihood of the number of dwellings specified for Sutton Bridge in Policy 11 (273 no.) being met.

7.21 In terms of the former, officers have recently become aware of developer interest in the allocated site in Sutton Bridge, albeit this is in the early stages. There is no evidence to suggest that this site is undeliverable within the plan period. The Local Plan Inspector acknowledged some risk to delivery from the housing number for the settlement being fulfilled by a single site, and accepted its allocation nonetheless.

7.22 In regard to the latter, the Planning Statement makes reference to a Local Plan Examination Hearing Statement where it was commented that "the southern part of the site has a flood depth of 1.0m-1.0m , which equates to approx. 19% of the site as a whole... Furthermore, given that the southern part of Sub027 is adjacent to the A17, it will likely be necessary to incorporate some noise attenuation features into the scheme which could mean that open space or some other buffer is located to the south of the site, thereby ensuring that housing development is located away from the area classified as 1.0-2.0m as much as possible."

7.23 As a result of the above, the Planning Statement contends that around 19% of the allocated site would not be developable and should be excluded from a net density calculation. It is concluded that the net site area would be 8.3ha, which equates to 166 dwellings at 20/ha, rather than the 210 dwellings at 20/ha identified in the Local Plan.

7.24 Even if the above argument were to be accepted, taking into account completions in Sutton Bridge from 1st April 2011 - 31st March 2021 (36 dwellings), commitments as at 31st March 2021 (100 dwellings) and the allocated site at a reduced capacity of 166 dwellings, the figure of 273 given for Sutton Bridge in the Local Plan would still be exceeded by 29.

7.25 Whilst Policy 10 of the Local Plan could be construed as setting a minimum housing requirement for the district, in the opinion of officers, the fact that the Council is capable of demonstrating a 5-year housing land supply affords greater ability to resist development outside of a defined settlement boundary when there are material considerations which significantly outweigh the positive benefits. However, Committee members are entitled to give such weight as they wish to the advantages of providing more housing than the minimum required when balancing that overall against any harms.

7.26 In terms of affordable housing, it is noted that slightly above the 25% affordable housing requirement is proposed (approx. 28% or 3 units above the requirement for 123 units). Whilst it is agreed that the delivery of affordable housing is a material planning consideration and that past delivery is below the annual figure of 282 dwellings set out in Policy 18 of the Local Plan (at an average of 146 dwellings per annum since start of Local Plan period), it needs to be balanced against other material considerations. Furthermore, the application site has not been put forward as a rural exception site and therefore the provisions of Policy 19 (which allows for affordable housing schemes adjoining settlement boundaries in certain circumstances) do not apply. Overall, it is considered that flood risk concerns significantly outweigh the opportunity to deliver additional affordable dwellings (19 no.) over and above the approved developments. However, notwithstanding this, Committee members may choose to attribute a different level of weight in the context of Policy 18 of the Local Plan in light of past affordable housing delivery to a proposal which delivers affordable housing at or above the affordable housing requirement.

7.27 Layout and design

7.28 The visual appearance and scale of the proposed dwellings, as well as landscaping details, cannot be assessed at this stage as these are reserved matters.

7.29 However, the proposed housing mix is set out in the submitted Design & Access Statement which provides some indication of the likely scale of the proposed dwellings. The proposed market mix comprises of 3 x 1 bed, 22 x 2 bed, 51 x 3 bed and 13 x 4 bed (89 total no.). The proposed affordable mix comprises of 8 x 1 bed, 16 x 2 bed, 8 x 3 bed and 2 x 4 bed (34 total no.). The properties are therefore likely to be of varied size and scale.

7.30 The layout of the properties to the north of Nightingale Way, Grebe Close and Youngs Row would remain almost identical to that approved via reserved matters application ref. H18-1167-19 with the exception of the eastern end of site where vehicular access would be created to link that part of the site with the proposed development to the north of Withington Street, extending eastwards as far as Allenby's Chase. The layout of this proportion of the site remains acceptable.

7.31 The layout of properties to the east of Chestnut Terrace would also be very similar to that approved at reserved matters stage, but with access instead being taken from the proposed estate road to the north. The dwellings at the northern end of Withington Street would again be almost identical to that approved at reserved matters stage, but without the turning head on the western side of the highway. No alterations have been made which raise new concerns about the layout of development on these two parcels of land.

7.32 The remaining dwellings would be sited along the northern edge of the eastern part of the site, being frontage only along the northern boundary and a mixture of frontage and two deep on the opposite side of the highway. An additional area of public open space and a pumping station is proposed to be located on this part of the site. Given the linear and relatively narrow nature of that part of the site, there is little scope to provide an alternative form of development.

7.33 Dwellings would be accessed off a combination of estate road and private drives. The most dwellings that any private drive would serve on any part of the site is 5 no. This is an acceptable arrangement.

7.34 Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. A condition can be added for specific details of waste storage and disposal to be submitted prior to the commencement of the development if permission were to be granted.

7.35 The proposal is for two areas of public open space, amounting to approx. 0.57ha. This is over twice the 0.22ha required by Policy 32 of the Local Plan. However, the westerly of the two areas of open space is multifunctional and, as well as providing recreation and visual amenity benefits, it also acts as a detention basin, functioning as part of the overall drainage strategy for the site. The area of open space is larger than that required by policy but it means that usable space will still be retained after the occurrence of a storm event when the basin is wet.

7.36 The density of the proposed development is approximately 18/ha which is a reasonable density for a site in a settlement of this scale.

7.37 It is accepted that the proposal would result in the loss of high grade agricultural land, however the site is not particularly accessible for large modern agricultural machinery and parts of the site do not appear to have been used for agricultural purposes for some time.

7.38 Due to flood risk there is a requirement to raise finished floor levels by a minimum of 1m above existing ground level. This is similar to the extent that levels were required to be raised by outline permission H18-0435-18. In the context of this, the impact of raising levels is considered to remain acceptable in visual terms.

7.39 Taking the above into account, it is concluded that the design and layout of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as quality of design and layout. Policy 3 requires development proposals to consider a number of issues,

including parking layout, refuse/recycling storage and the mitigation of flood risk.

7.40 Highway safety, access and parking

7.41 The proposal is for two vehicular access points for the development - one from Nightingale Way and the other from Withington Street.

7.42 A large number of resident objections have raised concerns regarding the suitability of these roads to serve the development, particularly in terms of capacity and safety, as well as the volume and speeding of vehicles through Sutton Bridge.

7.43 As with any application for major residential development, the Highway Authority have been consulted and their response in terms of the principle of the two access roads is included verbatim below for completeness.

7.44 "The two access points, onto the ends of Nightingale Way and Withington Street, will be suitable to safely accommodate the vehicle movements associated with the occupation of the 129 dwellings that are proposed in this Application. Contrary to the belief of some, the carriageway of Withington Street is actually wider than a standard new housing estate road. Some of the problems experienced by residents of this street arise because there is presently no turning area at the end of this street and therefore vehicles, in particular the refuse collection vehicle and any delivery vehicles, have to reverse back along the street past residents' vehicles that are routinely parked on this street because these terraced houses have no off-street car parking. With the connection of Withington Street to the proposed development roads, drivers would no longer have to undertake this reversing manoeuvre."

7.45 The Highway Authority have also not raised any concerns regarding the contents of the submitted Transport Assessment.

7.46 In the absence of an objection from the Highway Authority, there is not a justifiable reason to refuse the application on highway grounds and the proposal is considered to satisfactorily accord with Policy 2 of the Local Plan. This requires it to be demonstrated, amongst other matters, that access and vehicle generation levels will be acceptable.

7.47 Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.

7.48 Private Drives

7.49 A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

7.50 *"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.*

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste

collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

7.51 In terms of the above, clearly there are private drives proposed as part of the scheme, which serve approximately 18% of properties on the development. This is a reasonable proportion and three of these are sited on the larger parcel of land which already benefits from a Reserved Matters approval, therefore the principle of them has already been established. With regard to the unpermissioned parcel of land, no more than 6 properties are served by any private drive and it is no greater than 30m from the nearest point of the plot adjacent to the private drive to the back of the public highway. Given that only a maximum of two properties would technically be served by any particular private drive on this part of the development, it is suggested that it may be more preferable to not insist on collection points for those properties.

7.52 On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

7.53 Flood risk

7.54 The National Planning Policy Framework (2021) (Section 14) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. Furthermore, Part 1 of Policy 4 of the Local Plan requires it to be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).

7.55 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

7.56 The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as sitting within a combination of hazard zones - 'Danger for All' and 'Danger for Most'. In terms of depth, the mapping shows a range of between 0.5m - 2.0m.

7.57 However, as outlined previously, three parcels of land within the site already benefit from planning permission. Nonetheless, the appropriateness of developing the additional unpermissioned area of land in conjunction with those other parcels of land must be considered in flood risk terms.

7.58 Referring back to the SFRA mapping, it is noted that all but a minute parcel of the unpermissioned part of the site sits within the Danger for All hazard area - the highest hazard area. Around half of this parcel of land is shown with depths of 0.5m and the other half 1.0m - 2.0m.

7.59 The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The site in question is not a housing allocation in the Local Plan. The allocated site in Sutton Bridge (Sub027), in conjunction with other extant commitments and completions since 1st April 2011, are considered sufficient to meet the housing number identified for Sutton Bridge in the Local Plan. Furthermore, the planning application process is not an arena for debating whether or not that particular site should or should not have been allocated given that the Local Plan has been subject to Examination in Public and the allocations considered acceptable by a Planning Inspector.

7.60 It is accepted that part of Sub027 sits within the Danger for All hazard zone and 1.0 - 2.0m depth, but this is not to the same extent as the unpermissioned parcel of land in this current application. Applying the sequential test in the order specified in the SFRA (consideration of hazard mapping first), the allocated site is clearly preferable in flood risk terms in Sutton Bridge. Even looking at the current application site as a whole, the allocation is still more sequentially preferable in the context of the hazard mapping.

7.61 Taking the above into account, the application site is not considered to be sequentially preferable in flood risk terms when compared to the allocated site.

7.62 The applicant has re-submitted their 'Sequential Flood Risk Commentary' that accompanied the previously refused application. Within this, reference is made to more up-to-date Lidar information having become available since the Environment Agency hazard mapping which informed the 2017 SFRA was modelled and it is the opinion of the applicant that this renders the SFRA out-of-date and flawed in respect of Sutton Bridge. In response to this, the Environment Agency confirmed that there is more up-to-date Lidar information available, but that they could not confirm the timescales for updating their hazard mapping. There is also no current timescale for a review of the SFRA. Therefore, the information provided by the published SFRA is currently the best available data by which to assess the flood risk of development sites.

7.63 The applicant has submitted mapping obtained from an independent engineering consultant indicating Lidar levels for both the allocated site and the part of the application site which does not benefit from planning permission. In the context of the above, this mapping has been attributed very little weight by officers in the overall planning balance. However, the weight to be attributed to this is ultimately a matter for Committee members.

7.64 It is for the Local Planning Authority, and not the Environment Agency, to apply the sequential

test. Therefore, the absence of an objection from the Environment Agency cannot be inferred to mean that they consider the site to be sequentially preferable.

7.65 To summarise, the proposal is considered to fail the flood risk sequential test when considered in the context of the allocated site for Sutton Bridge, and is therefore contrary to Policy 4 of the Local Plan, as well as advice within Section 14 of the National Planning Policy Framework, 2021.

7.66 Drainage

7.67 For the purposes of surface water drainage, the development would be split into two catchments. The west will outfall to an existing IDB drain and the east to an existing Anglian Water storm sewer.

7.68 Surface water from the main access road will drain via filter drains located on the western/northern side of the carriageway, and to the eastern side of the road serving properties to the east of Chestnut Terrace. Private drives will be formed in tanked permeable block paving. Roof water and other surface water from within the curtilage of each plot will travel via a surface water system under the carriageway.

7.69 A detention basin on the western part of the site and an underground storage tank on the eastern part of the site would be utilised for the site's storm water attenuation.

7.70 Full management details can be conditioned.

7.71 In terms of foul water drainage, the proposal is to connect into Anglian Water's existing network, whom are obligated to accept flows from new residential development. Pumping stations are required due to level constraints.

7.72 Whilst the Lead Local Flood Authority and the Internal Drainage Board have no objections to the proposed drainage schemes, Anglian Water have commented that *"Following changes made to the minimum adoptable surface water flow rate into Anglian Water surface water sewers, the surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable, as the flow rate is too high and must be brought down in keeping with new enforced measures. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue to be agreed"*. An appropriate condition addressing this issue would be added if permission were to be granted.

7.73 Residential amenity

7.74 None of the proposed dwellings are sited to the south of any existing dwelling and where new dwellings would be sited to the east or west of existing properties they are positioned away from the boundary, with the relationship already having been considered at reserved matters stage of the respective applications. Therefore there should be no detrimental loss of light or overshadowing issues taking into account the path of the sun.

7.75 As previously mentioned, there have only been very minor alterations made to the layout of dwellings on the parcels of land that are already permissioned. It is not considered that these changes have a material impact in terms of overlooking or being overbearing. With regard to the remainder of the dwellings, it is considered that there is appropriate scope to design the dwellings in such a way that overlooking is not an issue, or separation distances or angles between windows will be adequate.

7.76 It is accepted that there will be a height difference between existing and proposed dwellings due to the requirement to raise finished floor levels by 1m for flood risk reasons. However, overlooking impact at ground floor level and from gardens can be mitigated by the use of appropriate boundary treatments.

7.77 All of the proposed dwellings would be afforded adequate external amenity space.

7.78 Disturbance during the construction period is a consideration, however it is one that carries limited weight in the planning balance and these are issues that are covered by separate environmental legislation. A Construction Management Plan would be required which sets out working hours and measures for controlling noise, vibration, dust and mud, if permission were to be granted.

7.79 Although impact on air pollution levels is a consideration, it is not considered that an additional 47 dwellings over and above the number that already benefit from planning permission would have a cumulative adverse impact on air pollution levels.

7.80 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

7.81 Developer contributions

7.82 Policy 18 of the Local Plan requires 25% affordable housing on major residential schemes, with a mix of about 70% affordable for rent and about 30% intermediate housing for sale. This amounts to approximately 32 units, which is slightly less than proposed by the applicant (34).

7.83 The proposed affordable mix is as below:
- 24 x Affordable Rent, comprising of: 7 x 1 bed houses, 11 x 2 bed houses, 4 x 3 bed houses and 2 x 4 bed houses; and
- 10 x Intermediate for Sale, comprising of: 4 x 2 bed houses and 6 x 3 bed houses.

7.84 SHDC's Strategic Housing team have suggested an alternative mix, but this matter has not been explored further in light of the material planning concerns already highlighted.

7.85 Contrary to the comments made by one objector, the Plot Schedule that has been provided by the applicant does not indicate that the affordable units would be clustered in only one area of the site.

7.86 The Education Authority have requested financial contributions of £288,855 and £55,282 towards secondary and sixth form education in the Holbeach Secondary Planning area.

7.87 In addition, the NHS have made a request for a financial contribution £85,140 towards expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Long Sutton Medical Centre. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

7.88 The above contributions could be secured via legal agreement if permission were to be forthcoming.

7.89 Ecology

7.90 Planning permission has already been granted for three parcels of land within the wider site. The western part of the site comprises of arable fields which do not generally hold ecological value and submitted Ecological Appraisals have indicated that the field margins are ecologically poor. The eastern part of the site comprises of unmanaged rough grass field which is also identified as ecologically poor.

7.91 The appraisals recommend enhancement measures which could be conditioned if permission were to be granted.

7.92 A condition requiring the installation of swift nest bricks in buildings could also be included.

7.93 There is therefore not considered to be conflict with Policy 28 of the Local Plan which contains provisions relating to the natural environment, including maximising opportunities for enhancement of habitats and incorporating beneficial biodiversity conservation features on buildings.

7.94 Further information

7.95 During the course of considering this application, the Council have been in receipt of legal "advice" obtained by the applicant from David Manley QC of Kings Chambers. This advice relates to the merits of the application and raises (in summary) the following points:
- The Local Plan housing requirement is a minimum requirement. There is no breach of policy if it is exceeded.
- 8.5 year housing land supply is only achieved by the use of the Liverpool method permitted by the Local Plan Inspector Inspector in recognition of problems in bringing forward strategic sites. The use of the Liverpool method therefore, while pragmatically justified, nonetheless defers the meeting of housing need that should have already been met.
- Only 60% of affordable housing need is being met per annum.
- The allocated housing site (Sub027) capacity of 210 dwelling stated in the Local Plan is an error. Due to on site constraints, the capacity should be 166 dwellings. This is a shortfall by allocation of 44 units. Moreover, the Local Plan trajectory anticipated completions on Sub027 being achieved in 2022/23. There is no prospect at all of that being achieved. Instead, in the first eight years of the Plan only 28 dwellings were delivered at Sutton Bridge with no affordable provision.
- Comments by Local Plan Inspector do not seem to suggest that Sub027 was selected because it was a clear frontrunner by reference to flood risk, but rather because of access concerns in respect of additional development at the northern edge of Sutton Bridge. It is to be noted, however, that my client's proposal does not suffer from any access constraints.
- The issue of flood risk has been dealt with exhaustively by way of three FRA exercises, a Sequential Flood Risk Commentary (December 2020) and a further Summary document (February 2021). None of this work is challenged by the LPA and it has been accepted by the EA.
- Flood risk evidence base is flawed and new LiDAR data reveals that the site is at a higher level than previously asumed and that it is at the very least equal to, and arguably preferable to, Sub027 in sequential terms.
- The application site is unusual in that part of it already has the benefit of planning approvals for residential development. All pre-commencement conditions have been discharged and each consent has been implemented in the sense of being capable of being built out.
- I have observed that the LPA has sought to marginalise this approach on the basis that at the time of the approval the LPA did not have a 5 years housing land supply. I cannot understand where that takes the LPA: if a view had been concluded of a substantive flood risk, that would have trumped housing land supply issues.
- The settlement boundary in this location appears to have been drawn by reference to two particular assumptions:
(a) that land in the vicinity of my client's application had unreasonable access constraints. That is simply incorrect; and
(b) that Sub 027 could come forward in a timely manner to meet expressly recognised needs.
- The above suggests that the settlement limit as drawn is therefore out-of-date in the sense of being overtaken by events so that the tilted balance is engaged. In this context breach of settlement limits cannot realistically be an objection to development.

7.96 Officers have also taken the opportunity to seek their own independent legal advice relating to this application and wish to provide the following information:

7.97 In terms of the decision to allocate Sub027 in preference to the application site, the June 2016 Housing Paper that forms part of the Local Plan evidence base states the following on the application site:

"The Highways Authority identifies that 'if the site is developed ... the only roads abutting the site appear to be Nightingale Way and Withington Street. There are un-adopted sections of road at the ends of Granville Terrace and Chestnut Terrace and there is an un-adopted garage area at the end of Allenby's Chase. Ideally any development on this site should be served by all the roads leading north from Bridge Road so that traffic movements are not concentrated on just one road. There are problems with visibility where Granville Terrace, Withington Street and Chestnut Terrace meet Bridge Road due to the on-street parking areas along Bridge Road.' Although it appears that a satisfactory vehicular access could be provided, arrangements for

other, alternative sites will be more straight-forward."

7.98 With regard to Sub027 (previously known as Sub013 during Local Plan preparation), the June 2016 Housing Paper states the following:

"The Highways Authority identifies that 'services and facilities are potentially accessible on foot and bicycle. There are bus stops on Bridge Road. One possible access affects a layby and may cause objections. Another is further east affecting informal roadside parking. The opening is long enough to be able to accommodate a suitable junction with the required visibility splays. This is within the 30mph limit. There is also a gap between numbers 37 and 39 Falklands Road that appears to have been left in order to form an access from that road into this site. The opening appears to be wide enough to be able to form a suitable junction.' It appears that a straightforward, satisfactory access could be achieved."

7.99 It would appear to be the above reasoning that led to Sub027 being considered more preferable in highway terms over the application site. The Council is entitled to rely on the allocation and the reasoning behind it, and it is not considered that a sufficient basis for rearguing that allocation is advanced.

7.100 The matter of flood risk is considered at paragraphs 7.54 to 7.65 of this report. It is noted that the officer report to H18-0435-18 (relating to the western-most 60 units), states that *"There are not considered to be any significant adverse impacts relating to flood risk or drainage that warrant refusal of this application in the context of presumption in favour of sustainable development."*. The presumption in favour of sustainable development applied at that time due to the lack of a 5-year housing land supply. This is no longer the case and therefore Committee members are open to reach a different conclusion. That report also states *"Although the site lies within Flood Zone 3, the hazard mapping for the area in the updated South Holland Strategic Flood Risk Assessment shows that the site is sequentially preferable than other sites being promoted in the emerging Local Plan."*. However, it is not clear which sites the application site was being compared against or whether it was reviewed on a settlement or district-wide basis. Taking the current approach of applying the Sequential Test on a settlement basis, the application site (as outlined in paragraph 7.60 of this report) is less sequentially preferable than the allocated site in Sutton Bridge.

7.101 The following matters are also addressed by other sections of this report:
- Affordable housing need: Paragraph 7.26
- The capacity that is stated in the Local Plan for the housing allocation Sub027 and likelihood of delivery: Paragraphs 7.21 to 7.24
- Use of the Liverpool method to calculate 5-year housing land supply: Paragraph 7.16

7.102 In terms of the drawing of the settlement boundary for Sutton Bridge, the 'Settlement Boundaries Background Paper' prepared in support of the Local Plan provides some useful context to this. This sets out the following:

"For the Sub-Regional Centres, Main Service Centres, Minor Service Centres and Other Service Centres and Settlements, each settlement boundary has been defined having regard to the following guidelines:
a) The settlement boundary encloses the main built-up area (or areas, in the case of a few settlements) of the town or village.
b) The settlement boundary also encloses:
i. areas of amenity and/or recreational open space, the appearance and character and/or use of which is worthy of protection; and
ii. sites with planning permission for development situated on the edge of the main built-up area.
c) In general settlement boundaries have been defined using discernible features on the ground (e.g. a road-line or drainage ditch), most of which will be mapped. It should be noted that a land-ownership boundary does not necessarily form a good definition for where a specific approach to planning policy for development should apply."

7.103 Other considerations

7.104 A query has been raised as to whether an existing section of land behind the gardens on Youngs Row that allows access to gardens is to be retained. The site boundary appears to

directly abut the rear boundaries of properties fronting onto Youngs Row and the fact that Certificate A has been signed on the application form indicates that the strip of land referred to is in fact in the ownership of the applicant.

7.105 Any impact on the structural stability of dwellings by virtue of vibrations resulting from construction work is a civil matter between parties, rather than a planning matter.

7.106 Public representations have highlight the issue of the alley at the end of Withington Street being used for fly tipping. This is not a matter that can be addressed by the Planning Department.

7.107 Concerns relating to the provision, and strain on existing, infrastructure (utilities, services and facilities) are noted. However, there have been no objections from the consulted infrastructure providers and the relevant contributions towards the NHS and education would be secured via legal agreement if permission were to be granted.

7.108 Planning Balance

7.109 Notwithstanding the fact that 76 of the 129 dwellings proposed already benefit from extant reserved matters approvals, the proposal as a whole is not considered to be acceptable in planning terms. It is acknowledged that the site would deliver some economic and social benefits, however, it is considered that the adverse environmental impacts/issues identified would outweigh these benefits. The proposal fails the flood risk sequential test, which is a key test set out in national policy and is reflected at the local level through the Local Plan. Furthermore, the council is capable of demonstrating a 5-year housing land supply (8.5 years as at 31st March 2021) and there is no evidence to doubt the deliverability of the allocated site in Sutton Bridge within the Plan period.

7.110 Taking the above into account, the planning balance is considered to be against the proposal.

7.111 **CONCLUSION**

7.112 In light of the above considerations, the proposal is considered to be contrary to Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 in the National Planning Policy Framework, 2021.

7.113 **Additional Considerations**

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Refuse permission for the reasons set out at Section 9.0 of the report**

9.0 REASONS FOR REFUSAL

1. The National Planning Policy Framework (2021) (Section 14) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. Furthermore, Policy 4 of the South East Lincolnshire Local Plan (2019) requires it to be demonstrated that there are no other sites available at a lower risk of flooding.

   The South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) is the basis for applying the flood risk Sequential Test in South Holland district. The hazard and depth maps are utilised (in that order) when determining flood risk and carrying out the Sequential Test. The SFRA shows the application site as sitting within a combination of hazard zones - 'Danger for All' and 'Danger for Most'. The depth mapping shows a range of between 0.5m - 2.0m. Almost the entirety of the unpermissioned part of the site sits within the 'Danger for All' hazard zone.

   The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The application site is not a housing allocation in the Local Plan. The Sub027 housing allocation is considered to be sequentially preferable in flood risk terms to both the parcel of land within the application site that does not currently benefit from planning permission, as well as the wider site as a whole. Outside of Sutton Bridge, there are other housing allocations that are subject to lower hazard than the application site.

   Given the above, it is considered that the proposal fails the sequential test as there are alternative sites appropriate for residential development that are reasonably available and which are located in areas with a lower risk of flooding. The proposal is therefore contrary to Policy 4 of the Local Plan, as well as advice within Section 14 of the National Planning Policy Framework, 2021.

2. The application site is located outside of the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan (March 2019) (SELLP). As per Policy 1 of the SELLP it is classed as being in the 'Countryside' in planning policy terms. Policy 1 states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

   Whilst it is accepted that 76 of the 123 dwellings proposed already benefit from extant reserved matters approvals, it has not been satisfactorily demonstrated that the proposed additional dwellings are necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (8.5 years as at 31st March 2021).

   For this reason, the proposal is considered to be in conflict with Policy 1 of the SELLP. Paragraph 12 of the National Planning Policy Framework, 2021, reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

4. The determined plans are:
LH/SBM/20/010
LH/SBM/20/004 Rev B
LH/SBM/20/008
LH/SBM/20/009
LH/SBM/20/001 Rev C
LH/SBM/20/002 Rev E
LH/SBM/20/003 Rev C
LH/SBM/20/005 Rev C
LH/SBM/20/006 Rev C
LH/SBM/20/007 Rev C
1886/S/E101 Rev P1
1886/S/E102 Rev P1
1886/S/E103 Rev P2
1886/S/E100 Rev P1
1886/PL100 Rev P1
1886/PL101 Rev P1
1886/PL103 Rev P1
1886/PL104 Rev P1
24237-08-020-01 Rev A
24237-08-TP-01 Rev A (Parts 1 - 4)
Transport Assessment (prepared by Mewies Engineering Consultants, dated September 2020)
BRI061 T01 Rev 0
BRI061 T02 Rev 0
BRI061 T03 Rev 0
Flood Risk Assessment and accompanying appendices (prepared by SEA Structural Engineers, dated August 2020)
Sequential Flood Risk Commentary (dated December 2020)
Planning Statement (prepared by Insight Town Planning Ltd, dated 29th March 2022)
Design and Access Statement (prepared by ABDS Ltd, dated January 2021)
Plot Schedules
Management Arrangements (dated September 2020)
Ecological Appraisal (prepared by Turnstone Ecology Ltd, dated 8th February 2019)
Ecological Appraisal (prepared by Turnstone Ecology Ltd, dated 21st May 2019)
Landscape and Visual Impact Assessment (prepared by ES Landscape Planning, dated August 2020)
Phase 1 Geo-Environmental Report (Land adjacent to Chestnut Terrace) (prepared by AGS Ground Solutions Ltd, dated 24th September 2018)
Geo-Environmental Report (Land adjacent to Chestnut Terrace) (prepared by AGS Ground Solutions Ltd, dated 4th October 2018)
Phase 1 Geo-Environmental Report (Land adjacent to Nightingale Way) (prepared by AGS Ground Solutions Ltd, dated 23rd April 2019)
Geo-Environmental Report (Land adjacent to Nightingale Way) (prepared by AGS Ground Solutions Ltd, dated 10th June 2019)

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

SOUTH HOLLAND DISTRICT COUNCIL

MAP SCALE 1: 2500
CREATED DATE: 05/05/2022
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE

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